

IN THE HIGH COURT OF GUJARAT AT AHMEDABAD

SPECIAL CRIMINAL APPLICATION No 1550 of 1996

For Approval and Signature:

Hon'ble MISS JUSTICE R.M.DOSHIT

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1. Whether Reporters of Local Papers may be allowed to see the judgements?
  2. To be referred to the Reporter or not?
  3. Whether Their Lordships wish to see the fair copy of the judgement?
  4. Whether this case involves a substantial question of law as to the interpretation of the Constitution of India, 1950 of any Order made thereunder?
  5. Whether it is to be circulated to the Civil Judge?

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MANUBEN DUDABHAI MORI

Versus

STATE OF GUJARAT

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Appearance:

NANAVATY ADVOCATES for Petitioners  
MR.S.T.MEHTA,ADDL. PUBLIC PROSECUTOR for Respondent No. 1

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CORAM : MISS JUSTICE R.M.DOSHIT

Date of decision: 22/01/97

ORAL JUDGEMENT

Rule returnable today.

Learned Addl.Public Prosecutor Mr.S.T.Mehta appears and waives service of Rule on behalf of the respondents.

On 14th June 1996 the accused are alleged to have killed Balu Duda, son of the petitioner No.1 and to have attacked one Rambhai Kesarbhai, Petitioner No.2. and in an effort to save Rambhai Kesarbhai, Duda Mula, husband

of the petitioner and Dhiru Duda, another son of the petitioner got killed. Thus, the petitioner's husband and two sons were killed on the same day, while the petitioner and others received injuries. It appears that the petitioners are not satisfied with the investigation made by the Investigating officer for various reasons which are narrated in the representation made to the District Superintendent of Police, respondent No.3 herein, on 16th July 1996. It is the grievance of the petitioner herein that inspite of the said representation made to the District Superintendent of Police, proper action has not been taken which has resulted into incomplete investigation and on account of such incomplete investigation, the accused are likely to get acquitted. acquitted. On the facts and in the circumstances of the case, I consider it expedient to issue following directions:-

The District Superintendent of Police, respondent No.3, shall consider the representation made by the petitioner to him on 16th July 1996 and any other representation that may have been made to him in respect of the offence registered at Dhari Police Station No.I.97/96 and the allegations made in this petition and in the event any of the allegations is found to be true, he shall make necessary order including the one for further investigation or for transfer of the investigation to some other officer. This exercise shall be completed within four weeks from today.

The petition is allowed to the aforesaid extent.  
Rule is made absolute.

Registry is directed to send the writ forthwith.

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